GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - PR&RD Department - Allegations of irregularities in the execution of C.C Road works under MGNREGS in Vizianagaram District taken up by PRI Division, Parvathipuram, Vizianagaram District – Disciplinary proceedings initiated against Sri P.Nageswara Rao, former Assistant Engineer, PRI Sub-Division, Kurupam (M) – Charges partially proved in the regular inquiry - Government disagreed with the findings of I.A and communicated disagreement factors - Imposition of penalty of withholding of one increment without cumulative effect under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991 besides recovery of an amount of Rs. 92,613/- towards loss caused - Orders – Issued

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 213 **Dated: 15-04-2021**

Read the following:-

1. From the DG, V&E, Vigilance Report No. 12A (C.No. 481/V&E/E2/2014), dt: 30.08.2014.
2. G.O.Rt.No.941, PR&RD (Vig.I) Department, Dt.05.10.2015.
3. From ENC, PR, AP, Lr.No.Vig.I(1)/2779/2014, Dt.28.01.2016, 18.05.2016, 20.07.2016 & 31.10.2017.
4. G.O.Rt.No.960, PR&RD (Vig.I) Department, Dt.27.07.2018.
5. From SE, PR(FAC), Vizianagaram, Lr.Rc.No.52/2010/A1, Dt.28.11.2018.
6. Govt. Memo NO. 16076/Vig. I/2014, PR&RD (Vig. I) Department, Dt: 02.06.2020.
7. From the ENC,PR, Letter No. Vig. I(1)/ 2779/2914, dt: 27.10.2020.

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ORDER:

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegations of irregularities in the execution of C.C Road works under MGNREGS Programme for the financial year 2012-13 in Vizianagaram District, Government in the reference 2nd read above, have initiated departmental proceedings duly framing following article of charge against Sri P.Nageswara Rao, former Assistant Engineer, PRI Sub-Division, Kurupam (M), with a direction to submit his written statement of defence :

Charge :

That Sri P.Nageswara Rao, Assistant Engineer, Panchayat Raj, Mandal Engineering Officer, Kurupam (M), PRI SD, Kurupam, Vizianagaram District has committed certain irregularities in having executed and recorded of inferior quality CC road with M30 grade in work i.e. Providing internal roads with CC drains in

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SC, ST Colonies 2012-13 and executed in other habitation of Neelakantapuram G.P. when the work was sanctioned for in Neelakantapuram (H) of Neelakantapuram (GP)only with Est. cost of Rs.13.00 lakhs under MGNREGS programme for the financial year 2012-2013 in Parvathipuram division, Vizianagaram district and caused loss to Govt. for an amount of Rs.1,85,226/- which is highly irregular and deviations to the sanction of work.

2. In the reference 3rd read above, the Engineer-in-Chief, PR has submitted the dated acknowledgement of the Charged Officer Sri P.Nageswara Rao, Assistant Engineer (PR). After examination of the matter, Government have decided to conduct regular inquiry into the charges framed against the charged officer Sri P.Nageswara Rao, Assistant Engineer (PR) and also nine (9) other co-charged officer involved in the case. Accordingly, Government in the reference 4th read above, have appointed the Superintending Engineer, Panchayat Raj, Vizianagaram District as Inquiry Officer for conducting enquiry against all the ten (10) charge officers.

3. In the reference 5th read above, the Inquiry Officer has submitted inquiry report, wherein the inquiry officer, among others, has given findings against the C.O. Sri P.Nageswara Rao, Assistant Engineer (PR), as follows:-

1) The work was sanctioned in Neelakantapuram habitation of Neelakantapuram Gram panchayat of Kurupam (M). But the field staff has executed this work in five Bits, in which two bits are executed in Neelakantapuram habitation and other three Bits are executed in Dharmavaram, Dandusuragudaa and Sukkadiguda habitations, Against the sanction and MGNREGS guide lines, for which the measurement and check-measurement officers are responsible for the lapse as per the clause 1 of Memo No.082/EGS/DEE (SS)/2011Dt. 1-7- 2011of Commissioner, RD, Hyderabad.
2) Regarding deficiency in sand filling, strength of M30 & CC Bed (M15) the version of the C.O. is acceptable.

3) Recovery proposed by the V&E for Rs. 1,85,226/- but the Executive Engineer, PRI Division, Parvathipuram has not affected the recovery so far. Hence, the charge framed against the individual is partially proved.

4. The Government, have examined the enquiry report and observe that "as per the findings & concluding remarks of the I.O., the alleged irregularities committed have been established. Hence, the Government have considered that the charge against the charged officer is 'proved', but not as partially proved, as held by the Inquiry Officer.

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5. Accordingly, in the reference 6th read above, Government have communicated the copy of the inquiry report of the Inquiry Officer dt: 28.11.2018 together with the above disagreement factors to Sri P.Nageswara Rao, Assistant Engineer (PR) under Rule 21 (2) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 with a direction to submit his representation, if any on the above disagreement factors within (15) days, failing which it will be construed that he has no explanation to offer and necessary further action will be taken based on the material available on record.

6. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada, among others, has furnished dated acknowledgment copy according to which the reference 6th cited, got been served on the charged officer on 03.10.2020 itself. But the charged officer has not submitted his representation in the matter.

7. Government have examined the matter and observe that as the Charged Officer did not submit his representation within the stipulated time, it has been construed that he has not representation to offer and as such decided to proceed in the matter.

8. Further, as per the Amendment to the to Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI + 2%.

9. Government observe that, in the instant case, the charged officer Sri P. Nageswara Rao, Assistant Engineer (PR) being the primary executing officer is responsible for substandard execution and causing loss of Rs. 1,85,226/- for the above work and recovery proposed by the V&E itself indicate that there was substandard execution was carried out. The work was executed by charged officer Sri P. Nageswara Rao, A.E (PR) and Sri K.S. Chalapathi Rao, Dy.EE (PR) and Sri B.V.V. Satyanarayana Murthy, E.E (PR). As such, the above loss of Rs.1,85,226/- has been apportioned among the above three (3) responsible PR Engg. Personnel in the ratio of 5:3:2 (Section Officer (AEE/AE: Dy.EE: EE) and Sri P. Nageswara Rao, A.E (PR) will be responsible for Rs.92,613/- for this work.

10. Accordingly, Government after careful examination of the matter, have decided and accordingly, hereby impose a penalty of stoppage of one (1) annual grade increment without cumulative effect under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991 against Sri P.Nageswara Rao, former Assistant Engineer, PRI Sub-Division, Kurupam (M) duly recovering the above loss of Rs.92,613/- along with Bank rate + 2% as per Article 300 of A.P. Financial Code Volume-I from him in lumpsum.

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11. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer in Chief, Panchayat Raj, Andhra Pradesh,
Vijayawada.
Sri P.Nageswara Rao, former Assistant Engineer, PRI Sub-Division, Kurupam (M)
through Engineer in Chief, Panchayat Raj, A.P., Vijayawada.
(with a request to serve the order on the individual and furnish the dated acknowledgment copy)
Copy to:-
The Secretary to Vigilance Commission,
Andhra Pradesh Vigilance Commission, Velagapudi.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER